

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W.R. GRACE & CO., <i>et al.</i> ,	)	Case No. 01-1139 (JKF)
	)	
Debtors.	)	Jointly Administered
	)	
	)	Hearing Date: 8/26/02 @ 10:00 a.m.
	)	Objection Date: July 22, 2002 @ 4:00 p.m.

**SUMMARY OF FIRST INTERIM APPLICATION  
OF THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL  
INJURY CLAIMANTS FOR REIMBURSEMENT OF EXPENSES  
TO COMMITTEE MEMBERS**

Name of Applicant: Official Committee of Asbestos Personal Injury Claimants

Authorized to Provide Professional Services to: N/A

Date of appointment: April 2, 2001

Period for which compensation and reimbursement is sought: April 2001 – February 2002

Amount of compensation sought as actual, reasonable and necessary: N/A

Amount of expense reimbursement sought as actual, reasonable and necessary: \$8040.83

This is a: \_\_\_\_ monthly \_\_\_\_ X interim \_\_\_\_ final application.

		Requested		Approved	
Date Filed	Period Covered	Fees	Expenses	Fees	Expenses
6/6/02 (First Interim)	4/01 – 2/02	n/a	8040.83	-	-

FOR THE DISTRICT OF DELAWARE

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**FIRST INTERIM APPLICATION  
OF THE OFFICIAL COMMITTEE OF ASBESTOS PERSONAL  
INJURY CLAIMANTS FOR REIMBURSEMENT OF EXPENSES  
TO COMMITTEE MEMBERS**

Pursuant to 11 U.S.C. §§ 330 and 331, Rule 2016 of the Federal Rules of Bankruptcy Procedure, and the Amended Administrative Order Under 11 U.S.C. §§105(a) and 331 Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Committee Members (the “Amended Administrative Order”), the Official Committee of Personal Injury Claimants (the “PI Committee”), by and through the undersigned counsel, hereby submits this First Interim Application of the Official Committee of Personal Injury Claimants for Reimbursement of Expenses to Committee Members (the “First Interim Application”) for interim reimbursement of actual and necessary expenses of committee members and their counsel in the total amount \$8,040.83 for the period commencing April 2001 through February 2002 (the “Period”). In support of this First Interim Application, the applicant respectfully represents as follows:

## **I. BACKGROUND**

1. On April 2, 2001 (the "Petition Date"), the Debtors filed voluntary petitions for relief under Chapter 11 under Title 11 of the United States Code (the "Bankruptcy Code").

2. From the Petition Date through the date of this First Interim Application, the Debtors have continued to operate their businesses and manage their properties as debtors-in-possession, pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. In accordance with the provisions of Section 1102(b) of the Bankruptcy Code, on April 12, 2001, the Office of the United States Trustee appointed the Asbestos Personal Injury Claimants Committee consisting of the following members: (i) Steven Jones c/o Frederick M. Baron, Esquire of the law firm of Baron & Budd, P.C; (ii) Fr. John Smutko c/o John D. Cooney, Esquire of the law firm of Cooney & Conway; (iii) Harvey Blair c/o Theodore Goldberg, Esquire of the law firm of Goldberg, Persky, Jennings & White P.C.; (iv) John Russell c/o Robert Jacobs of the law firm of Jacobs & Crumplar; (v) Roberta Jeffrey c/o Steven L. Kazan, Esquire of the law firm of Kazan, McClain, Edises, Simon & Abrams; (vi) Thomas J. Jones c/o Michael V. Kelley, Esquire of the law firm of Kelley & Ferraro LLP; (vii) Royce N. Ryan c/o Jon T. Heberling, Esquire of the law firm of McGarvey, Heberling; (viii) Jeannette Parent c/o Joseph F. Rice, Esquire of the law firm of Ness, Motley, Loadholt, Richardson & Poole PA; (ix) Nathan Phillips, Jr. c/o Ian P. Cloud, Esquire of the law firm of Robins, Cloud, Greenwood & Lubel; (x) Beverly Mauldin c/o Steven T. Baron, Esquire of the law firm of Silber Pearlman, LLP; and Anthony Anguili c/o Perry Weitz, Esquire of the law firm of Weitz & Luxenberg.

3. The Court entered Orders authorizing the Asbestos Personal Injury Claimants Committee to retain Ashby & Geddes, P.A. (“Ashby & Geddes”) as its Delaware counsel until June 15, 2001, and Caplin & Drysdale, Chartered as its national counsel.

4. On June 15, 2001, at a duly convened meeting, the Asbestos Personal Injury Claimants Committee voted to approve the substitution of Campbell & Levine for Ashby & Geddes. On June 18, 2001, Campbell & Levine and Ashby & Geddes filed a Substitution of Counsel.

5. On June 29, 2001 the P.I. Committee filed and served its Application of the Official Committee of Asbestos Personal Injury Claimants to Retain and Employ Campbell & Levine, LLC as Delaware and Associated Counsel (the “Retention Application”). Through the Retention Application, the P.I. Committee sought authorization to employ Campbell & Levine as Delaware and associated counsel, effective as of June 16, 2001. On July 18, 2001, the Court entered the Order Authorizing the Retention of Campbell & Levine as Delaware and Associated Counsel for the Official Committee of Asbestos Personal Injury Claimants, *nunc pro tunc* to June 16, 2001.

## **II. RELIEF REQUESTED**

6. Accordingly, the PI Committee submits this First Interim Application, pursuant to Section 328, 330, 331 and 503(b) of the Bankruptcy Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), the Amended Administrative Order, and in accordance with U.S. Department of Justice, Executive Office for United States Trustee’s Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under Section 330 of the

Bankruptcy Code (the “Guidelines”). The PI Committee requests reimbursement of expenses in the amount of \$8,040.83 for the actual and necessary expenses incurred by the PI Committee.

7. This request in the PI Committees’ first interim application to the court for the reimbursement of expenses.

8. The PI Committee has only applied for reimbursement of actual and necessary out-of-pocket disbursements in connection with meetings the PI Committee held during the Period. Exhibits A - D, attached hereto, contain a summary of each committee member’s request for reimbursement, as well as, a detailed itemization of travel expenses and copies of supporting documentation.

9. The following PI Committee members have submitted requests for reimbursement of expenses:

<b>John D. Cooney</b>	<b>\$2,326.39</b>
<b>Steven Kazan</b>	<b>\$1,435.05</b>
<b>Jon Heberling</b>	<b>\$2,871.82</b>
<b>Theodore Goldberg/ Mark Meyer</b>	<b>\$1,407.57</b>

10. The costs and expenses incurred by these members of the PI Committee in connection with these meetings were actual and necessary to the preservation of the Debtors’ Chapter 11 estates and are allowable administrative expenses pursuant to Section 503(b) of the Bankruptcy Code.

11. The PI Committee seeks a first interim allowance of reimbursement of expenses in the total amount of \$8,040.83 for actual and necessary expenses incurred by the above-identified members and their representatives in connection with the ACC’s business during the Period. Several members of the ACC have not yet submitted expense

reimbursement requests and, therefore, the ACC reserves the right to request a first interim allowance of reimbursement of expenses for such members at a future date.

**WHEREFORE**, the PI Committee respectfully requests that the Debtors be authorized and directed to make payments to the PI Committee in the aggregate sum of \$8,040.83 for reimbursement of actual and necessary expenses incurred during the Period and for this Court to grant such other and further relief as it may deem just and proper.

CAMPBELL & LEVINE, LLC

/s/ Aileen F. Maguire

Matthew G. Zaleski, III (I.D. #3557)

Aileen F. Maguire (I.D. #3756)

1201 N. Market Street

15<sup>th</sup> Floor

Wilmington, DE 19899

(302) 426-1900

Delaware and Associated Counsel for the  
Official Committee of Asbestos Personal Injury  
Claimants

Dated: July 2, 2002

**EXHIBIT A**

**REPORT OF EXPENSES**

**FOR**

**MEMBERS OF THE OFFICIAL COMMITTEE OF  
PERSONAL INJURY CLAIMANTS**

**APPLICANT:**

John D. Cooney  
 Cooney & Conway  
 120 North LaSalle Street  
 30<sup>th</sup> Floor  
 Chicago, IL 60602  
 Telephone: (312) 236-6166  
 Facsimile: (312) 236-3029

**EXPENSES**

<b>DATE</b>	<b>DETAIL OF EXPENSES</b>	<b>AMOUNT</b>
4/12/01	American Trans Air	516.00
4/12/01	National Car Rental	74.04
5/16/01	American Airlines (Chicago – Dallas)	250.75
5/16/01	American Airlines (Dallas – Ft.Lauderdale)	720.55
7/18/01	United Airlines	262.84
12/14/01	Peninsula Hotel	159.57
12/21/01	Peninsula Hotel	123.70
1/16/02	The Breakers	218.94
	<b>TOTAL:</b>	<b>2,326.39</b>

**EXHIBIT B**

**REPORT OF EXPENSES**

**FOR**

**MEMBERS OF THE OFFICIAL COMMITTEE OF  
PERSONAL INJURY CLAIMANTS**

**APPLICANT:**

Steven Kazan  
Kazan, McCalin, Edises, Abrams,  
Fernandez, Lyons & Farrise  
171 Twelfth Street, Third Floor  
Oakland, CA 94607

**EXPENSES**

<b>DATE</b>	<b>DETAIL OF EXPENSES</b>	<b>AMOUNT</b>
April 4-5, 2002	Airfare – United	661.13
	Hotel – Peninsula	128.01
	Car Service – New Family	17.50
	Car Service – Green Dispatch	5.00
	Car Service – Miles Limo	17.25
	Skypark	9.81
	Mileage	4.28
	Toll	.50
Jan. 30 – Feb. 5, 2002	Airfare – United SF to NYC (1/30) Ft.Lauderdale to Chi to SF (2/5)	328.50
Jan. 30, 2002	Hotel – Plaza (NYC)	100.00
Jan. 30, 2002	Amtrak NYC to Phi	23.25
Feb. 1, 2002	Amtrak Phi to NYC	21.25
Feb. 4, 2002	Hotel – Brazilian Court Hotel	86.07
Feb. 5, 2002	Taxi	32.50
	<b>TOTAL:</b>	<b>1,435.05</b>



**EXHIBIT C**

**REPORT OF EXPENSES**

**FOR**

**MEMBERS OF THE OFFICIAL COMMITTEE OF  
PERSONAL INJURY CLAIMANTS**

**APPLICANT:**

Jon L. Heberling  
 McGarvey, Heberling, Sullivan & McGarvey, PC  
 745 South Main  
 Kalispell, MT 59901  
 406-752-5566

**EXPENSES**

<b>DATE</b>	<b>DETAIL OF EXPENSES</b>	<b>AMOUNT</b>
4/11/01	Airfare-Delta Air (COACH) to PHI	1,300.00
4/11/01 – 4/13/01	Rental Car	118.53
4/12/01 – 4/13/01	Hotel – Ramada Inn	194.24
4/30/01	Airfare – Northwest to DC	1074.50
4/30/01 – 5/1/01	Hotel – Holiday Inn	184.55
	<b>TOTAL:</b>	<b>2,871.82</b>

**EXHIBIT D**

**REPORT OF EXPENSES**

**FOR**

**MEMBERS OF THE OFFICIAL COMMITTEE OF  
PERSONAL INJURY CLAIMANTS**

**APPLICANT:**

Theodore Goldberg  
 Mark C. Meyer  
 Goldberg, Persky, Jennings & White PC  
 1030 Fifth Avenue, Third Floor  
 Pittsburgh, PA 15219  
 412-471-3980

**EXPENSES**

<b>DATE</b>	<b>DETAIL OF EXPENSES</b>	<b>AMOUNT</b>
4/12/01 – 4/15/01	Airfare – US Airways (COACH) to PHI	564.00
	Rental Car – Hertz	81.07
	Airport Parking	8.50
5/1/01	Airfare – US Airways (COACH) to DC	714.50
	Airport Parking	8.50
	Taxi	14.00
	Taxi	17.00
	<b>TOTAL:</b>	<b>1,407.57</b>